REMARKS

This amendment is being filed in response to the final Office Action mailed on February 15, 2008. In that Office Action, claims 1-20 were rejected on prior art grounds. Claims 1, 11, and 16 are being amended. Accordingly, claims 1-20 remain pending in the application.

Specification Amendment

Minor amendments are being made to the specification so that it better conforms to the drawings. In particular, the specification is being amended to indicate that the satellite radio receiver can be, but not necessarily need be, embedded within the telematics unit. This makes the description consistent with Figs. 1 and 3 which show the satellite radio receiver (140, 340) as a component that is separate from the telematics unit (120, 320). This change has been made for purposes of internal consistency in the application and no new matter has been added.

Rejections under §102(e)

Pending claims 1-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Lange et al. (U.S. Patent No. 6,704,564). Applicant respectfully traverses the rejections for the reasons discussed below.

Claims 1, 11, and 16

Independent claim 1 recites a method of initiating a vehicle data upload function at a plurality of mobile vehicles. The method includes monitoring a radio system broadcast channel using a satellite radio receiver in each of the plurality of mobile vehicles for a call center initiated vehicle data upload command signal at the plurality of mobile vehicles, and, for each of the plurality of mobile vehicles, determining at the plurality of mobile vehicles whether the vehicle data upload command signal corresponds to that mobile vehicle, extracting the vehicle data upload command signal from the broadcast channel based on the determination, communicating the vehicle data upload command signal between the satellite radio receiver and a telematics unit on the vehicle, and performing a vehicle data upload function using the telematics unit based on the

extracted vehicle data upload command signal. While involving different limitations than claim 1, the remarks below are equally valid for independent claims 11 and 16.

Lange is directed to a method and system for allowing telecommunications devices to be configured with numerous combinations of filters and triggers without returning the device to a service center. Lange teaches transmitting a trigger configuration signal to a telecommunications device and storing that signal in memory. The trigger configuration signal is an electronic message that instructs the telecommunications device to use triggers or combinations of triggers at a given time. Lange discloses a telematics device 210 receiving a configuration signal 250 from a service center. The configuration signal 250 includes a dynamic logic expression 262 and instructs the telematics device 210 to update a trigger configuration and transmit a message relating to fleet management if the dynamic logic expression 262 is satisfied.

Lange fails to disclose or otherwise teach the elements of Applicant's claims. For example, the subject matter of Applicant's current claims involves monitoring a radio system broadcast channel at a satellite radio receiver. In order for Lange to anticipate the subject matter of Applicant's claim, Lange must disclose each and every element of the claim. However, Lange is silent as to Applicant's claimed subject matter reciting a satellite radio receiver detecting a vehicle data upload command signal and communicating that signal to a telematics device. Lange, on the other hand, only discloses receiving a configuration signal 250 from a service center at a telematics device 210.[1] Differently put, Lange involves receiving signals sent directly from a service center to a plurality of telematics devices while Applicant's claim involves receiving a signal at a satellite radio receiver and transmitting the signal from the satellite radio receiver to the telematics unit.

A benefit of the system defined in Applicant's claims is that a radio broadcast system can be used to widely broadcast an upload command to a large number of vehicles without having to separately contact each vehicle, as in Lange. Also, in some embodiments covered by the claims, the invention can be implemented using existing

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[1] Lange, U.S. Patent No. 6,704,564, col. 5, lines 29-31.

satellite radio receiver and telematics unit hardware, with suitable programming of the devices used to carry out the claimed invention.

Furthermore, there is no apparent reason why one of ordinary skill in the art would modify the teachings of Lange or combine its teachings with another reference to make up for the above-noted deficiencies. Simply put, there is no reason why one of ordinary skill in the art would modify the system disclosed by Lange to monitor a radio system broadcast channel using a satellite radio receiver for a vehicle data upload command signal, nor why they would send the received signal to a telematics unit from the receiver. Nor is there any disclosure from Lange that would enable such an approach to vehicle data upload. Rather, the teaching to do so, and the means of accomplishing this result appears only to be disclosed by Applicant himself. Accordingly, it is respectfully submitted that claims 1, 11, and 16 patentably define over the prior art. Claims 2-10, 12-15, and 17-20 depend, respectively, from claims 1, 11 and 16 and should be allowed therewith.

Conclusion

In view of the foregoing, Applicant submits that all claims are allowable. Reconsideration is therefore requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0960 for any required fees or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,

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